

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LIFESTYLE COMMUNITIES, LTD., <i>et al.</i>,)	Civil Action 2:22-CV-1775
)	
Plaintiffs,)	
v.)	Judge Sarah D. Morrison
)	
CITY OF WORTHINGTON, OHIO,)	
)	
Defendant.)	Magistrate Judge Elizabeth P. Deavers
)	

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

EXHIBIT 14

LIFESTYLE COMMUNITIES

vs.

CITY OF WORTHINGTON

Deposition of

Thomas Hart

January 11, 2024



PRI COURT
REPORTING

614.460.5000 | www.priohio.com | pri@priohio.com

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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

LIFESTYLE COMMUNITIES,)
LTD., ET AL.,)
)
 Plaintiffs,)
)
 vs.)
)
CITY OF WORTHINGTON,)
OHIO,)
)
 Defendant.)

Case No.
2:22-cv-1775

DEPOSITION
of THOMAS L. HART

Taken at the offices of
Vorys Sater Seymour and Pease LLP
52 East Gay Street
Columbus, Ohio 43215

on January 11, 2024, at 9:30 a.m.

Reported by: Julia Lamb, RPR, CRR

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1 APPEARANCES:

2 Christopher L. Ingram
3 VORYS SATER SEYMOUR AND PEASE LLP
4 52 East Gay Street
5 Columbus, Ohio 43215
6 614.464.5480
7 clingram@vorys.com

on behalf of the Plaintiffs.

8 Paul J. Schumacher
9 DICKIE MCCAMEY
10 600 Superior Avenue East, Suite 2330
11 Cleveland, Ohio 44114
12 216.390.1795
13 pschumacher@dmclaw.com

on behalf of the Defendant.

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STIPULATIONS

It is stipulated by and between
counsel for the respective parties that the
deposition of THOMAS L. HART, the witness
herein, called by the Defendant under the
applicable Rules of Federal Civil Court
Procedure, may be taken at this time by the
stenographic court reporter and notary public by
agreement of counsel; that said deposition may
be reduced to writing stenographically by the
court reporter, whose notes thereafter may be
transcribed outside the presence of the witness;
and that the proof of the official character and
qualification of the notary is waived.

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1	INDEX OF EXAMINATION		
2			PAGE
3	BY MR. SCHUMACHER:		6
4			
5	INDEX OF EXHIBITS		
6	EXHIBIT	DESCRIPTION	PAGE
7	Hart 1	Certificate of Appropriateness Application	30
8	Hart 2	PUD - Preliminary Plan and Architecture Review Board Submittals, 10-2-2020	36
9			
10	Hart 3	One-page document, 7-15-15	47
11	Hart 4	City Council Statement Regarding UMCH Development Adopted Monday, October 12, 2015	49
12			
13			
14	Hart 5	Two-page email, 11-13-20	66
15	Hart 6	Two-page email chain	68
16	Hart 7	Three-page email chain	82
17	Hart 8	Certificate of Appropriateness Application	90
18			
19	Hart 9	Two-page email chain, 10-15-21	119
20	Hart 10	Three-page email chain	140
21	Hart 11	Four-page email chain	165
22	Hart 12	Email, 11-5-19	178
23	Hart 13	Copy of a newspaper article, 1-26-22	184
24			

1	35	Three-page email chain, 9-24-20	150
2			
3	43	City Council Agenda, 12-13-21	145
4	59	Minutes of the Regular Meeting Worthington Architectural Review Board, Worthington Municipal Planning Commission, 1-14-21	96
5			
6	83	Portion of the Minutes of the Regular Meeting Worthington Architectural Review Board, Worthington Municipal Planning Commission, 10-14-21	98
7			
8			
9			
10			
11			
12			
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1 you what we've now marked as Hart Exhibit 1. So
2 take a minute to look at that.

3 A. (Witness complies).

4 Q. Have you had a chance to look that over?

5 A. Yes.

6 Q. Am I correct that the first two pages of
7 Exhibit 1 are the original application that you
8 made on October 2nd, 2020 to the city of
9 Worthington?

10 MR. INGRAM: Objection. The first two
11 pages are only the first two pages.

12 Q. That's why I asked the question. Are
13 the first two pages a portion of the application
14 you made on October 20th -- I'm sorry,
15 October 2nd, 2020?

16 A. It's just the cover pages to the
17 application form.

18 Q. And page 3 is your letter submitting a
19 revised concept plan in September -- I think
20 September 10th of 2021. Is that correct?

21 A. Yes.

22 Q. Okay.

23 A. Could I correct something really quick?

24 Q. Sure.

1 like a copy of this document or do you have one?

2 MR. INGRAM: We've got a copy of it.

3 MR. SCHUMACHER: Okay. Could you put a
4 sticker on the front of it.

5 May I retain the original?

6 MR. INGRAM: It's your deposition.

7 MR. SCHUMACHER: I will retain the
8 original.

9 ==0==

10 (Hart Exhibit 2 marked.)

11 ==0==

12 BY MR. SCHUMACHER:

13 Q. Mr. Hart, we now marked as Exhibit 2 the
14 complete binder that I believe you submitted to
15 the city of Worthington on October 2nd, 2020 to
16 rezone the UMCH property, correct?

17 A. I'm not sure when I submitted it.

18 Q. Let's look back at Exhibit 1. Does
19 Exhibit 1 indicate you filed the application on
20 October 2nd, 2020?

21 A. No.

22 Q. When was it filed?

23 A. I'm not exactly sure when it was filed.

24 Q. Do you have a copy of the application

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CERTIFICATE

STATE OF OHIO :
SS:
COUNTY OF FRANKLIN :

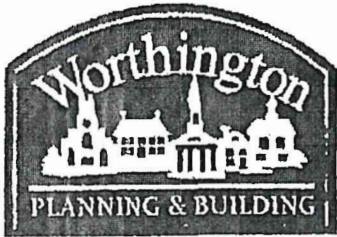
I, Julia Lamb, RPR, CRR, a
stenographic court reporter and notary public in
and for the State of Ohio, duly commissioned and
qualified, do hereby certify that the
within-named THOMAS L. HART was first duly sworn
to testify to the truth, the whole truth, and
nothing but the truth in the cause aforesaid;
that the testimony then given was taken down by
me stenographically in the presence of said
witness, afterwards transcribed; that the
foregoing is a true and correct transcript of
the testimony; that this deposition was taken at
the time and place in the foregoing caption
specified.

I do further certify that I am not a
relative, employee or attorney of any of the
parties hereto; that I am not a relative or
employee of any attorney or counsel employed by
the parties hereto; that I am not financially
interested in the action; and further, I am not,
nor is the court reporting firm with which I am
affiliated, under contract as defined in Civil
Rule 28(D).

In witness whereof, I have hereunto
set my hand at Columbus, Ohio, on this 23rd day
of January, 2024.

Julia Lamb
Julia Lamb, RPR, CRR
Notary Public, State of Ohio

My commission expires: 10-10-27



City of Worthington

ARCHITECTURAL REVIEW BOARD

Certificate of Appropriateness Application

Case # AR 70-2021
Date Received _____
Fee \$ 200 pd
Meeting Date 10/14/2021
Filing Deadline 09/24/2021
Receipt # _____

1. Property Location 1033 High Street, Parcel #100-006774; 100-002427; 100-002425
2. Present/Proposed Use S-1 Special; C-2 Community Shopping; C-3 Institutions/Mixed Use
PUD
3. Zoning District S-1, C-3, C-2
4. Applicant _____
Address 230 West Street, Ste. 200, Columbus, OH 43215
Phone Number(s) 614-918-2000
Email _____
5. Property Owner United Methodist Childrens Home
Address 431 E. Broad St., Columbus, OH 43215
Phone Number(s) 614-885-5020
Email _____
6. Project Description modern amenitized mixed use development including single-family homes, owner-occupied townhomes, for rent townhomes and apartments, commercial uses such as office, medical offices, restaurants, work-facilities and outdoor recreation and community spaces connected with paths and sidewalks, multi-story parking facilities and protected natural area
7. Project Details:
 - a) Design See attached project narratives
 - b) Color Colors vary but are comparable with existing neighborhood
 - c) Size 19 SF, 166 townhomes, 540 apartments, 60,000 SF commercial
25,000 SF medical
 - d) Approximate Cost Estimate pending Expected Completion Date 2 to 4 years from construction start

PLEASE READ THE FOLLOWING STATEMENT AND SIGN YOUR NAME:

The information contained in this application and in all attachments is true and correct to the best of my knowledge. I further acknowledge that I have familiarized myself with all applicable sections of the Worthington Codified Ordinances and will comply with all applicable regulations.

[Signature]
Applicant (Signature)

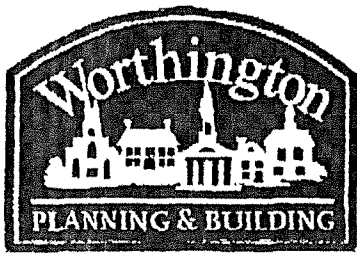
10-02-2020
Date

[Signature]
Property Owner (Signature) Children's Home
Chapman

10-2-2020
Date

**DEPOSITION
EXHIBIT**

Hart 1-11-24



City of Worthington

PLANNED UNIT DEVELOPMENT PRELIMINARY PLAN APPLICATION

Case # PUD 03-2020
Date Received _____
Fee \$1,300 pd
Meeting Date 10/14/2021
Filing Deadline 09/24/2021

1. Property Location 1033 High St; Parcel#100-006774; 100-002427; 100-002425
2. Present Zoning S-1; Special; C-3 Institutions/Offices
C-2 Community Shopping Ctr Present Use Institutional Office
3. Proposed Use PUD with Mixed Uses of single family, multi-family, townhouses
apartments, commercial and medical office
4. Applicant _____

Address 230 West St, Ste 200, Columbus, OH 43215

Home Phone N/A Work Phone 614-918-2000

5. Property Owner United Methodist Childrens Home

Address 431 E. Broast St, Columbus, OH 43215

Home Phone N/A Work Phone 614-885-5020

6. Project Description Modern, amenitized mixed use development including

single family homes, owner-occupied townhomes, for rent townhomes and apartments,
commercial uses such as office, medical offices, restaurants, work facilities
and outdoor recreation and community spaces connected with paths and
sidewalks, multi-story parking facilities and protected natural area.

PLEASE READ THE FOLLOWING STATEMENT AND SIGN YOUR NAME:

The information contained in this application and in all attachments is true and correct to the best of my knowledge. I further acknowledge that I have familiarized myself with all applicable sections of the Worthington Codified Ordinances and will comply with all applicable regulations.

[Signature]
Applicant (Signature)

10-02-2020
Date

[Signature]
Property Owner (Signature) Childrens Home
Champion

10-2-2020
Date